

Conditional Use Hearing
Taylour Hay
April 21, 2016

To consider a conditional use request by Taylour Hay to convert a pre-existing garage into an auto repair business on his property at 1043 Dimick Rd. He would also like to request a sign for that business.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.5 Rural Lands District; 4.5 Home Business, and 5.4 Conditional Uses.

Warnings were posted on April 4, 2016 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the applicant and the following abutters and neighboring property owners: Karen Campos, Leslie Campos, Helen Dimick, and Margaret Lipscomb on April 4, 2016. It was published in the Hardwick Gazette on Wednesday, April 6, 2016.

Development Review Board members present: MacNeil, Nat Smith, Sean Thomson, Janet Travers, Jane Woodruff, Wayne Young, Lee Wright (alternate) and BJ Gray (alternate),

Development Review Board members absent: Linda Romans

Others present: Taylour Hay, applicant; and Kristen Leahy, Zoning Administrator; for others see the sign-in sheet.

Correspondence from interested persons: none

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:02 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. Ms. Woodruff then asked Mr. Hay to explain what he wants to do on his property. Mr. Hay said he would like to open a small auto repair shop in the garage that is attached to the house in which he lives. He plans to do repair work on cars and small trucks. He will not do specialized services such as body work or painting. He has vents and pipes to direct exhaust out of the garage. All piping has fire stops. He will work by himself with no additional employees. He anticipates very little noise since most of his tools are electric which are quiet. He has 55 gallon drums to store used oil and other waste products and has arranged for their proper disposal when the drums are full. He anticipates little traffic; perhaps three or four cars a day, and customers will be directed to use the Dimick Road entrance from Route 16. There is ample off-street parking. Mr. Hay's lot has 10.6 acres. The neighborhood is composed largely of family dwellings that are not visible from each other. He anticipates his working hours will be from 8:30 am to 5:00 pm. He has no outdoor lighting other than the three porch lights on his house and a motion detector light.

He then added that he would like to erect a sign for his business. It would be no larger than 6 square feet (2ft. by 3 ft.). It was also suggested he have a smaller, directional sign where his driveway forks off Dimick Road.

The hearing ended at 7:25. The Board went into deliberative session at 7:27 and came back into public session to announce their decision at 7:46.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

2.5 Rural Lands District

The pre-existing garage and house comply with all setbacks in the rural lands district. An auto repair business is a conditional use in the rural lands district.

4.5 Home Business

- A The proposed business will be conducted by a resident of the property. There will be no more than 3 full-time employees.
- B The proposed business will be conducted in the garage attached to Mr. Hay's residence.
- C There is adequate storage for equipment and waste materials.
- D The character of the neighborhood will not be affected by the proposed business.
- E Traffic in the area will not be affected by the three or four cars anticipated each day and coming from Route 16.
- F There is plenty of off street parking.
- G Disposal of waste has been arranged.
- H The business will not generate undue air or noise pollution.
- I N/A This is not a Bed & Breakfast
- J N/A This is not in the Shoreland Protection District

5.4 Conditional Uses

B) General standards

The proposed home business and signs will not have an adverse effect on:

1. *the capacity of existing or planned community facilities.* Neither the business nor the signs will affect existing or planned community facilities.
2. *the character of the area.* The house and attached garage are consistent with other structures in the area. The design of the signs will be consistent with the character of the area.
3. *traffic in the vicinity.* The three or four cars a day coming to the business from Route 16 will not affect the area.
4. *by-laws and ordinances presently in effect.* Neither the business nor the signs will adversely affect the by-laws and ordinances presently in effect.
5. *the utilization of renewable energy resources.* Neither the business nor the signs will have an adverse effect on the utilization of renewable energy resources.

Mr. Hay's home business and signs meet all the conditional use general standards.

C) Specific Standards:

1. *The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district.* The lot is 10.6 acres which meets the standard in the Rural Lands District.
2. *Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* All setbacks for the Rural District are met. The signs will conform to the setback from the road as found in 2.5 Rural Lands District dimensional standards. (50 feet from the center line of the road)
3. *Fencing/ landscaping may be required for commercial and industrial uses to provide screening if the Board deems it necessary to protect the character of the area.* No landscaping or fencing is required but storing parts cars or car parts on the premises is discouraged.
4. *Exterior signs shall not be internally lit and must be compatible in size, materials and workmanship to the area in which they are located.* All signs will be 6 square feet or less and will not be internally lit. There will be no internally lit interior signs.
5. *The proposed structure is compatible with other structures in the area.* The house and the attached garage are compatible with the surrounding area.
6. *The proposed structure adheres to the uses allowed in the relevant district.* A home business is an allowable use in the Rural Lands District.

7. *The proposed structure will not affect the noise or air pollution in the area.* The electric tools Mr. Hay uses are fairly quiet and will not adversely affect the noise in the area nor will the business create air pollution in the area.

The proposed business meets all the conditional use specific standards.

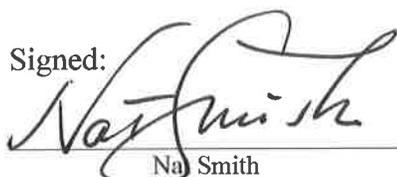
Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7- 0) to approve the home business and the signs. (Alternate Lee Wright voted in Linda Romans' absence. Alternate B.J. Gray did not vote.)

Conditions:

1. Any and all necessary state and federal permits must be in place before the business can begin.
2. All traffic will be directed to the business from Route 16.
3. The color and design of the signs will be consistent with the character of the area.

Signed:


_____, vice chair
Nancy Smith
date 4-22-16


_____, clerk
Janet Travers
date 4-22-16

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.